

1 John E. Seidlitz, Jr.
2 SEIDLITZ LAW OFFICE
3 21 Third Street North, Suite 412
4 P.O. Box 1581
5 Great Falls, MT 59403-1581
Telephone: (406) 727-1431
Facsimile: (406) 452-9933
Attorney for Plaintiff

FILED
MAY 28 2009
CLERK OF DISTRICT COURT
CITY CLERK

CLERK OF DISTRICT COURT
CITY CLERK

10 APR 15 PM 4:10

FILED

BY *blue*
DEPUTY

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

CAROL ZULEGER,

Plaintiff,

vs.

BEAUTY SYSTEMS GROUP LLC d/b/a
COSMOPROF,

Defendant.

CDV-10-0386

Cause No.: _____

CV-10-0386-GF-SEH

COMPLAINT AND JURY DEMAND

5/28/22
COMES NOW the Plaintiff, Carol Zuleger, demanding trial by jury and
for her complaint against the Defendant alleges as follows:

I.

At all times relevant herein the Plaintiff was and is a person residing in
Great Falls, Cascade County, State of Montana.

II.

Defendant Beauty Systems Group LLC was at all times doing business in
the State of Montana. Defendant does business under the name Cosmoprof.

III.

Plaintiff was employed by Defendant for five years.

1 IV.

2 Plaintiff satisfactorily completed her probationary period.

3 V.

4 Plaintiff was discharged on November 1, 2009 and her discharge was not
5 for good cause and was wrongful.

6 VI.

7 Plaintiff continued to satisfactorily perform her duties up to and including
8 April 8, 2008. On that date she received a written warning when she entered a cash strip
9 as a deposit on the register instead of as a cash strip. She pushed the wrong button on the
10 register. The mistake was fixed the next day.

11 VII.

12 In the five years the plaintiff was there she met and worked with nearly 20
13 people, including three district managers and five managers.

14 VIII.

15 In October of 2008, Tami Schniderhand, the new district manager,
16 suddenly began changing the rules.

17 IX.

18 Tami Schniderhand decided plaintiff needed to call her voice mail twice
19 daily and write down everything she said. Plaintiff also was instructed to call Tami's
20 voice mail to say plaintiff checked the voice mail.

21 X.

22 Tami Schniderhand sent faxes all the time that plaintiff was apparently
23 supposed to read and sign. Plaintiff was not told to read and sign the faxes.

1 **XI.**

2 Plaintiff received emails several days per week, which Plaintiff had to read
3 and sign, and she did.

4 **XII.**

5 Plaintiff would do a reset of a whole line of products, the way the
6 instructions would say and Tami Schniderhand would come in and say she wanted it
7 another way. Plaintiff is disabled and the reset was physically demanding.

8 **XIII.**

9 During the summer of 2009, plaintiff started receiving texts from Merry
10 Smith about how Tami Schniderhand was out to get her and maybe plaintiff should find a
11 new job. After two months, plaintiff started forwarding these texts to the Manager,
12 Nicole Mabrey.

13 **XIV.**

14 Plaintiff was written up for a \$9.00 till shortage. Plaintiff had been called
15 in on her day off to work the last two hours of the shift. Plaintiff counted out the till and
16 it was \$9.00 short. She called the manager to advise her of the shortage. Plaintiff failed
17 to inform the District Manager. Plaintiff was not advised the call-in amount had been
18 changed down to \$1.00. The change was apparently in one of Tami's faxes, which
19 plaintiff did not know she was supposed to read.

20 **XV.**

21 When either register accumulates \$300.00, it will read it's time for a cash
22 strip. At this time a minimum of \$150.00 is removed and registered. The money is
23 placed in the safe to be added to the deposit. Plaintiff was told many times she was to do
24
25
26
27

1 this only when no customers were in the store. On Saturday, October 31, 2009, plaintiff
2 removed the money, but before it could be placed in the safe a customer came in and
3 started talking to her. Plaintiff was so nervous about having the money out that she
4 excused herself, ran the money to the safe, then hurried back to talk to the customer. By
5 the time the customer left, plaintiff completely forgot she had failed to register the cash
6 strip. When plaintiff closed that night, she realized what she had done when her till came
7 out \$150.00 short. Plaintiff immediately called the manager, Nicole Mabrey, and the
8 District manager, Tami Schniderhand, and explained what she had done. Plaintiff
9 worked alone on Sunday, November 1, 2009 and corrected the problem by entering a
10 cash strip in the POS, making it \$150.00 over. When plaintiff came in on Monday,
11 Nicole Mabrey, told plaintiff she was being punished with a three-day suspension.
12

13 **XVI.**

14 Plaintiff was off work for three days. When plaintiff went back on
15 Thursday, November 5, the manager had just been faxed plaintiff's termination.

16 **XVII.**

17 Plaintiff knew for at least two years people were getting hired at \$8.00 an
18 hour. Plaintiff was hired at \$7.00 an hour and in September of 2009, was finally raised to
19 \$8.04 per hour.
20

21 WHEREFORE the Plaintiff prays for judgment against the Defendant as
22 follows:

23 1. For compensation for lost wages for a period of four years, together
24 with interest thereon;
25

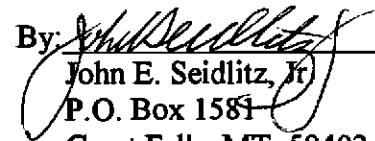
26

27

- 1 2. For compensation for lost fringe benefits for a period of four years,
2 together with interest thereon;
3 3. For costs and disbursements incurred herein; and
4 4. For such other relief as the Court deems just and proper.

5
6 DATED this 15th day of April 2010.
7

8 SEIDLITZ LAW OFFICE
9

10 By: 
11 John E. Seidlitz, Jr.
12 P.O. Box 1581
13 Great Falls, MT 59403-1581
14 Attorney for Plaintiff
15
16
17
18
19
20
21
22
23
24
25
26
27